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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,283	08/01/2001	Richard Cerami	020366-077610US	5328

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EXAMINER

IQBAL, NADEEM

ART UNIT	PAPER NUMBER
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2114

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,283

Applicant(s)

CERAMI ET AL.

Examiner

Nadeem Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigon et al., (U.S. Patent number 6006016, Applicant provided IDS) in view of Greenwald et al., (U.S. Patent number 2003/0149919).
4. As per claim 1, Faigon et al., teaches (col. 2, lines 54-57) a method for correlating faults in a networking system. The method establishes a database of fault rules, and associated probable cause, and possible solutions for determining the occurrence of faults defined by fault rules. He thus teaches limitations pertain to collecting network correlation data for the fault. He also teaches collecting physical connectivity data from the physical connectivity test, since he teaches (col. 2, lines 64-66) that occurrences of fault events in the networking system are detected and

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correlated by determining matched fault rules which match the fault events. He thus teaches collecting virtual connectivity data from the virtual connectivity test. He does not explicitly disclose automatically performing a physical connectivity test and automatically performing a virtual connectivity test. Greenwald et al., teaches (page 4, para. 0038, lines 2-5) means for performing the fault analysis, means for performing a root cause analysis, means for determining path includes means for performing a domain-specific. He thus would perform connectivity test and virtual connectivity test. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Greenwald method and system for diagnosing faults into the method of Faigon since Greenwald is also in the same environment of network fault determination as Faigon and already teaches to receive fault data and create fault objects, therefore provides motivation to a person of ordinary skill in the art for the stated inclusion to be able to detect and correlate faults.

5. As per claims 2 & 3, Greenwald teaches (page 4, para. 0039, lines 13-15) that the diagnostic fault handler may be designed to handle problems related to cable access or DSL access.

6. As per claim 4, Faigon teaches (col. 2, lines 57-59) that the fault rules include a fault identifier, a description of the fault, a possible cause for the fault, a probable solution for the fault, an occurrence threshold specifying a minimum number of occurrences of fault events. He thus provides ability to collect data for upstream and downstream physical network elements.

7. As per claim 5, Faigon teaches (col. 2, lines 57-59) that the fault rules include a fault identifier, a description of the fault, a possible cause for the fault, a probable solution for the

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fault, an occurrence threshold specifying a minimum number of occurrences of fault events. He thus provides ability to collect data from a root cause analysis.

8. As per claims 6 & 7, Greenwald teaches (page 4, para. 0034, lines 7-9) that the system includes a fault handler tester and includes a diagnoser fault handler constructed and arranged to change fault state of fault object. He thus provides the ability to perform test that includes physical loop test.

9. As per claims 8 & 9, Greenwald teaches (page 5, para. 0041, lines 8-12) fault diagnosers that use rich topology model of the network and services, efficient data path determination, and innovative analysis techniques to find related faults. By finding and analyzing related faults, the system ultimately finds the root cause fault. He thus provides ability to conduct operations and maintenance test.

10. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigon et al., (U.S. Patent number 6006016, Applicant provided IDS) in view of Greenwald et al., (U.S. Patent number 2003/0149919) and further in view of Teglovic et al., (U.S. Patent number 5692030).

11. As per claim 10, Faigon et al., does not explicitly disclose a service area identifier comprising a telephone number. Teglovic teaches (col. 1, lines 32-35) Trouble ticket operations of a fault management relating to resolution of fault. He also teaches that the ticket is opened for a specific circuit or phone number. It would have been obvious to a person of ordinary skill in the art to include the trouble ticket operations that identifies with a telephone number into the invention of Faigon since both invention are in the same environment and the inclusion provides

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a desirable advantage of fault resolution with the trouble ticket operations of Teglovic and thus provides motivation for the stated inclusion.

12. As per claim 11, As stated above Teglovic creates a repair ticket for a fault.

13. As per claim 12, Teglovic creates a repair ticket for a fault as stated above and that the ticket is opened for a specific circuit or phone number, thus would clearly prompt a technician to fix the fault.

14. As per claim 13, Greenwald teaches (page 4, para. 0034, lines 7-9) that the system includes a fault handler tester and includes a diagnoser fault handler constructed and arranged to change fault state of fault object. He thus provides the ability to perform fixing the fault using pre-defined resolution procedure.

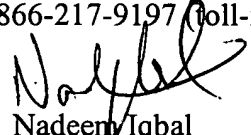
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI